



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Drinking Water Program
BRP WM 03 – Water Management Act Program
Permit Application Form - Instructions

Water Management Act Program (WMA) permits authorize the withdrawal of water in excess of 100,000 gallons per day to ensure that new withdrawals will not negatively impact water resources or existing users. WMA permits are conditioned to mitigate impacts of the withdrawals to water resources and other users. Statutory and regulatory authority for the Water Management Act permit program can be found at MGL Chapter 21G and MassDEP regulations - 310 CMR 36.16 - 36.39.

Once complete:

- **Submit the Application and one copy of the MassDEP Transmittal Form to the WMA Program in the MassDEP Regional Office for where the water withdrawal will occur, and**
- **Submit the \$4,100 fee (waived for public water suppliers) and one copy of the MassDEP Transmittal Form to: Department of Environmental Protection, P.O. Box 4062, Boston, MA 02211**

MassDEP BRP WM03 – Water Management Act Program Permit Application and Instructions are available for download from the MassDEP Web site at www.mass.gov/lists/drinking-water-permits-forms-and-templates in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Commonly Asked Questions Concerning WMA Permit Amendments

1. Who is required to apply?

Those users planning to withdraw water from ground or surface sources in excess of an annual average of 100,000 gallons per day or 9 million gallons in any 3-month period are required to have a WMA permit. Users typically requiring a permit include industrial, commercial, agricultural, golf courses, cranberry bogs, public water suppliers and other large water users. Certain nonconsumptive uses, defined as returning a withdrawal to the same place in substantially unimpaired quality and quantity, are exempt from permitting requirements.

2. What is the permit application fee and once the permit is issued, the annual compliance fee?

The permit application fee is \$4,100 and current annual compliance fees can be found on the MassDEP website at: <https://www.mass.gov/guides/massdep-permitting-assistance>.

3. What are the public notice requirements for a WMA permit application?

Water Management permit applications have public notice requirements that are outlined in the **Public Notice Requirement Summary for New Permit Applicants (BRP WM 03)** below and in 310 CMR 36.29 and 36.23.

4. What are the time lines for review of the submitted application form?

- MassDEP will complete and administrative review within 30 days.
- If the application has administrative deficiencies, the applicant then has 90 days, and may request additional time, to correct any deficiencies.
- When an application is found to be administratively complete, MassDEP will complete a technical review within 72 days and request any supplemental information required to complete the application review.
- The applicant then has 90 days, and may request additional time, to provide any required supplemental information.
- When an application is deemed complete, MassDEP will prepare a draft permit for review and 30 days of public comment.

For more information, see the *Water Management Act Permit Guidance Document*:
www.mass.gov/lists/water-management-act-wma-permitting

5. How long is a Water Management Act Permit in effect?

Water Management permits are issued by major watershed (www.mass.gov/files/2017-07/watersheds-map.pdf). Permits may be in effect for up to 20 years. The effective dates of a permit will be determined by the permitting schedule for the watershed from which the withdrawal is made. The *Water Management Act Permit Guidance Document* contains a schedule of permitting dates by watershed.

6. What other requirements should be considered prior to or when applying for this permit?

- Review under the *Massachusetts Environmental Policy Act (MEPA)* is required for construction of new withdrawals and/or certain increased withdrawals from existing withdrawal points. Please review MEPA



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Regulations 301 CMR 11.00 to determine if the proposed project exceeds the MEPA review thresholds. For more information contact the MEPA Unit of the Executive Office of Energy and Environmental Affairs at 617-626-1031 or mepea@massmail.state.ma.us.

MassDEP cannot complete technical review or issue a permit until the MEPA process has been concluded. A copy of a MEPA filing (with reference to any applicable Transmittal number) should be sent to the attention of the appropriate MassDEP regional office's MEPA Coordinator. Find your region: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

- *Interbasin Transfer Act* approval is required from the Water Resources Commission for the transfer of water across a river basin boundary. Information on the *Interbasin Transfer Act* can be found at www.mass.gov/service-details/interbasin-transfer-act-general-information.
- For new public drinking water sources, the *MassDEP Source Approval Process* may be required. MassDEP regional office staff should be consulted prior to applying.
- These requirements are intended to serve as a guide only. Other additional requirements may apply.

7. How can I avoid the most common mistakes made in applying for this permit?

- a. Review the public notice requirements and prepare in advance of the filing to meet the requirements.
- b. Complete the required hydraulic analyses for all applicable groundwater sources in advance of filing date.
- c. Provide a thorough explanation of the demand estimates.
- d. Develop a conservation plan according to the instructions provided with the permit application form.
- e. Be aware that, depending on individual circumstances, developing plans for minimization and mitigation of withdrawal impacts, and/or a plan to protect coldwater fish resources may be required to complete the permit application process.

8. What are the regulations that apply to the permit?

These regulations include, but are not limited to:

Water Management Act Program Regulations, 310 CMR 36.00

(www.mass.gov/regulations/310-CMR-3600-massachusetts-water-resources-management-program)

Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

(www.mass.gov/regulations/310-CMR-400-timely-action-schedule-and-fee-provisions)



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Application Completeness Checklist

All forms and instructions listed below are available on the MassDEP website. Please consult with WMA Program staff at the appropriate Regional Office to determine the appropriate forms to submit.

- ☐ The MassDEP Transmittal Form is properly completed:
<https://www.mass.gov/service-details/transmittal-form-number-for-massdep-permit-application-payment>
- ☐ BRP WM 03 – Form A - General Information
- ☐ BRP WM03 - Form B – Groundwater Sources of Supply, for each groundwater withdrawal
- ☐ BRP WMO3 - Form C – Surface Water Supplies, for each surface water withdrawal
- ☐ BRP WM03 – Forms D1, D2 and Form D Option - Future Water Needs
 - Form D1 – historic water withdrawals (if applicable)
 - Form D2 - projection of water withdrawals during the permit period
 - Option D Form – for public water suppliers
- ☐ BRP WM03 Forms E1, E2 and E3 are for **Cranberry Growers**. These forms are based on acreage in production instead of metered water withdrawals.
- ☐ BRP WM03 – Form F – Evaluation of Potential Effects of the Withdrawal(s)
- ☐ BRP WM03 – Form G – Alternatives to the Proposed Withdrawal(s)
- ☐ BRP WM03 - Form H – Groundwater Hydraulic Analyses (GHA) for Non Potable Wells
- ☐ BRP WM03 – Form H – Groundwater Hydraulic Analyses (GHA) is fulfilled for new public water supply wells by completing the MassDEP Drinking Water Program Groundwater Supply Development and the Source Approval Process, see www.mass.gov/service-details/guidelines-for-public-water-systems
- ☐ Description of any water conservation program and implementation timetable (For Public Water Suppliers, a completed *Water Resources Commission Conservation Plan* (<https://www.mass.gov/files/documents/2017/11/07/water-conservation-questionnaire.pdf>) fulfills this requirement. For other applicants, conservation requirements are outlined in these guidelines, but there is no standard form.
- ☐ Send a copy of the permit application to the Local Water Resources Management Official (LWMRO) in the community(s) where the withdrawal(s) is located, or to the Chief Elected Official if no LWRMO has been appointed.
- ☐ Complete Public Notice Requirements in a timely manner after filing the permit application (see Public Notice Requirement Summary for New Permit Applicants (BRP WM 03) below and 310 CMR 36.23).
- ☐ Submit an Environmental Notification Form (ENF) to MEPA for newly constructed withdrawal points within 10 days of filing and forward a copy to the MassDEP regional office MEPA Coordinator.

To submit the application package:

- ☐ Send a copy of the application and one copy of the MassDEP Transmittal Form to:
 - Department of Environmental Protection
 - Drinking Water Program – Water Management Act Program
 - Regional Office from where the withdrawal of water occurs
- ☐ Send fee of \$4,100, check or money order made payable to *Commonwealth of Massachusetts*, and one copy of the MassDEP Transmittal Form to (fee waived for public water suppliers):
 - Department of Environmental Protection
 - P.O. Box 4062
 - Boston, MA 02211



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Public Notice Requirement Summary for New Permit Applicants (BRP WM 03) (per 310 CMR 36.29 and 36.23):

The Applicant:

- shall submit a copy of the application to the water resources management official in the city or town where the withdrawal is located (or to the chief elected official if no water resources management official has been designated)
- shall publish notice described below in a newspaper which carries legal notices and is in general circulation in the city or town where the proposed withdrawal is located, within 10 days of submitting the application;
- shall send a copy of the notice (return receipt requested) to abutters and abutters of abutters of the withdrawal point within 5 days of publication;
- shall send an affidavit stating that public notice is complete and a copy of the notice to DEP within 10 days of completing the requirements above ;
- shall take comment for 30 days from the publication of the notice;
- shall send any comments to DEP within 5 days of the close of comment period; and
- may send a certificate from the local water resource official(s) stating that the proposed withdrawal is consistent with local water resource plans, and that no statements of opposition have been received.

The published notice for adding a withdrawal point or increasing the authorized withdrawal rate from one or more withdrawal points must include:

1. the location of the water source from which the withdrawal is to be made;
2. the volume of water to be withdrawn;
3. the name and address of the water resources management official of each city or town in which the withdrawal is proposed, who will have a copy of the application available for inspection, and the times when it will be available;
4. a statement that written comments may be filed with the water resources management official(s) and the Department within 30 days of the notice's publication date; and
5. the name and address of the permit applicant.

Note: the MEPA public notice required in 301 CMR 11.15 may be combined with the WMA public notice if the filing deadlines under both 310 CMR 36.23(1) and 301 CMR 11.15(1) can be met.

As of June 2018, the US Postal Service offers four certified mail options, three of which meet the WMA “return receipt” requirement. Either Certified Mail or Return Receipt Green Card fulfills the statutory requirement as written in 1989, and the Return Receipt Electronic Signature fulfills the spirit of the law and is an acceptable alternative.

USPS Certified Mail Options
Certified Mail
Return Receipt Green Card (Old Fashioned Green Card)
Return Receipt Electronic Signature (replaces Green Card)
Electronic Delivery Confirmation Receipt

The Electronic Delivery Confirmation Receipt carries risk for the applicant because an abutter who never personally receives notice (e.g. the abutter is on vacation, the notice was lost or destroyed after delivery) could challenge the permit. Therefore, MassDEP does not recommend the Electronic Delivery Confirmation Receipt.